

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRIAN WYLIE,

Plaintiff,

v.

Case No. 05-CV-71945-DT

KEITH OVERBY, M.J. HOUCK AND OAKLAND
COUNTY,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S "MOTION TO COMPEL
PRODUCTION OF DEFENDANT OVERBY'S MEDICAL RECORDS AND FOR
COSTS" AND DISMISSING WITH PREJUDICE DEFENDANT OAKLAND COUNTY**

Pending before the court is Plaintiff's "Motion to Compel Production of Defendant Overby's Medical Records and For Costs." The court conducted a hearing in the above-captioned matter on November 22, 2005. For the reasons stated more fully on the record, the court will deny without prejudice Plaintiff's "Motion to Compel Medical Records" and will dismiss with prejudice from this matter Defendant Oakland County.

During the November 22, 2005 hearing, the court determined that the medical records requested by Plaintiff in his "Motion to Compel Medical Records" are not relevant to the issue of whether Defendant Overby is entitled to qualified immunity. The court held that once the qualified immunity issue is resolved, the court would consider reviewing Defendant Overby's medical records in an *in camera* review and producing an oral report relating to the court's review of the documents.¹

¹Defense counsel represented to the court that he planned to file a dispositive motion in the case during the week of November 28, 2005.

Accordingly, IT IS ORDERED that Plaintiff's "Motion to Compel Production of Defendant Overby's Medical Records and For Costs" [Dkt. # 15] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that, pursuant to the parties' oral stipulation at the November 22, 2005 hearing, Defendant Oakland County is DISMISSED WITH PREJUDICE. From this point forward, all captions used in this case should be amended to reflect this change.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 23, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 23, 2005, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522